

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

**New Part 4 of the Commission's Rules
Concerning Disruptions to Communications**

ET Docket No. 04-35

REPLY COMMENTS OF MCI, INC.

MCI, Inc. hereby submits its reply to the comments received in response to the Federal Communications Commission's Notice of Proposed Rulemaking concerning changes to the Commission's service disruption reporting rules.¹ MCI reiterates that, as a general matter, mandatory outage reporting requirements should not be expanded. The Commission should instead encourage voluntary reporting through existing industry working groups. Voluntary industry-led working groups working under the auspices of the Network Reliability and Interoperability Council ("NRIC") and the Alliance for Telecommunications Industry Solutions ("ATIS") have been successful in gathering and analyzing outage data and developing voluntary Best Practices based upon this data. The Commission should therefore work closely with these groups to develop outage reporting requirements that are more closely tailored to the Commission's needs.

Additionally, at least in the interexchange carrier ("IXC") and wireless markets, competition is sufficiently developed to promote network reliability and obviate any need

¹ *New Part 4 of the Commission's Rules Concerning Disruptions to Communications*, Notice of Proposed Rulemaking, ET Docket No. 04-35 (rel. Feb. 23, 2004) ("NPRM").

for mandatory reporting. Customers demand reliability. Indeed, in many cases, “reliability” in telecommunications is the primary product MCI sells. As a result, MCI and other carriers design their internal processes with the goal of reliability in mind.

To the extent the Commission does move forward to expand outage reporting, it should modify a number of the proposals outlined in the NPRM consistent with MCI’s initial comments and the comments of AT&T, BellSouth, Sprint and Verizon. In many cases, these parties articulate the proposals of the NRIC and the Industry-Led Outage Reporting Initiative (“ILORI”). MCI believes that this is the right approach.

I. The Commission’s Proposals Will Result in an Unnecessary Volume of Reporting and Could Actually Undermine Network Reliability

No empirical data has been presented that shows a direct correlation between reporting and conclusive changes in network reliability. To the contrary, the record shows that the outage reporting proposals contemplated by the Commission could, in fact, threaten service quality and network reliability by diverting resources from network management, preventative maintenance, and restoration to reporting.² In short, the expansion of outage reporting could have precisely the opposite result from what the Commission seeks – it could ultimately undermine network reliability.

The proposals outlined by the Commission would unleash a tsunami of reporting, the magnitude of which has apparently been overlooked. For example, BellSouth estimates that “under the Commission’s proposed rules, the number of outage reports filed annually by BellSouth could rise by more than 1000 percent, even though there was no change in network performance.”³ And MCI estimates that the Commission’s proposed

² See, e.g., Comments of AT&T at 24; Comments of Verizon at 6-8; Comments of GCI at 5; Comments of BellSouth at 18-19; Comments of Sprint at 19; Comments of SBC at 16; Comments of Qwest at 19-22.

³ Comments of BellSouth at 3.

reporting criteria would result in at least 25 times more reporting than the Commission currently receives. Indeed, Verizon states that under the Commission’s proposed new DS3 outage rules, the company would be required to file an outage report every weekend simply to notify the Commission that one of its DS3 customers had decided to shut off service every weekend to save power.⁴ Meaningful critical network outage information would simply be “lost in the noise” of superfluous reports.

The proposed rules would divert scarce resources to the task of reporting. As Verizon points out, “the Commission’s proposal to require a detailed initial report in 120 minutes would have the perverse effect of *delaying* future restoration efforts, because it would require telecommunications companies to divert resources to immediate reporting of outages rather than to restoring service to their customers.”⁵ To be sure, as BellSouth notes, “[t]hese proposals carry with them significant implementation costs and administrative burdens that far outweigh any perceived benefits.”⁶

In particular, the attestation requirement for initial reports would divert a disproportionate share of resources from service restoration. As Qwest points out, “the ‘sworn nature’ of the attestation will clearly insert delay into the process of preparing and finalizing the Initial Report[.]”⁷ Such a requirement will no doubt “contribute to the pressures already place on employees who handle outages and distract them from more important work. Provider personnel will understandably seek the review of senior management and, at least in some instances, legal counsel before submitting reports.... The

⁴ Comments of Verizon at 19.

⁵ *Id.* at 6.

⁶ Comments of BellSouth at 2.

⁷ Comments of Qwest at 21.

consumption of these resources within the context of an Initial Report filing cannot be supported by any meaningful cost/benefit analysis.”⁸

II. The Commission Should Redefine the Term “Outage”

MCI agrees with Verizon that the Commission should define an “outage” as the complete loss of communications over a line, rather than a significant degradation of service, as is currently proposed.⁹ As MCI and a number of other parties stated in their initial comments, a user is considered to be “without service” only if that user has no ability to make calls.¹⁰ Technically speaking, a user has no ability to make calls only if the switch that the user is directly connected to is “down,” or the cable connecting the user to the switch is cut. However, there are a number of ways that a customer may be multiply-connected in order to place and/or receive telephone calls. Accordingly, the Commission should cabin its definition of “outage” to apply to situations where a customer experiences a complete loss of service.

III. The Commission Should Base Outage Reporting For Wireline Telephony On Blocked Calls or Access Line Counts

The proposed common user metric of user minutes should not be adopted. The proposed metric is impracticable and will generate the reporting of an inaccurate estimate of the number of individuals that might be affected by an outage. As MCI and other parties explained in their comments, a carrier is not likely to know how many users are impacted when a network goes down.¹¹ For example, in cases where a customer employs a PBX, a carrier will not know the number of potentially-affected users and will know only the

⁸ *Id.* at 21-22. *See also* Comments of GCI at 5; Comments of Sprint at 18-19.

⁹ Verizon suggests that the Commission define “outage” more objectively as “[t]he total loss of the ability of end users to establish and maintain a channel of communication due to a failure in the performance of a service provider’s network.” Comments of Verizon at 12.

¹⁰ *See, e.g.*, Comments of Verizon at 12-13; Comments of SBC at 7-8.

¹¹ *See, e.g.*, Comments of Verizon at 9-10; Comments of GCI at 2-3; Comments of Sprint at 10.

number of trunk connections between the customer's PBX and the carrier's switch.¹² As a result, there is no way to calculate accurately how many "users" are impacted by any given outage. In addition, this proposed metric may include lines that are not actually being used.

Instead, the Commission should base outage reporting for wireline telephony on blocked calls or access line counts, consistent with the proposals outlined in the comments of several parties.¹³ Under this approach, outages that last at least thirty (30) minutes and that block 90,000 real-time call attempts or 30,000 attempts for a similar period, if historical data is used, would be reportable.

For IXC and LEC tandem outages, the Commission should base reporting on the actual number of blocked calls, without the additional "assigned telephone number-minutes" metric. As a number of parties have illustrated, this proposed new parameter cannot be accurately measured in most cases.¹⁴ In addition, there is no justification for tripling the number of measured historical calls. Similarly, the proposal to double the number of incoming or outgoing calls would overstate the impact of an outage. The current rules correctly take into account the fact that a call may be seen as both incoming and outgoing. Accordingly, the Commission should require a report for an IXC or LEC tandem outage lasting 30 minutes or more if it results in at least 90,000 real-time blocked calls or 30,000 blocked calls, if based on historical use of the tandem switch.

IV. The Commission Should Use Blocked-Call Criteria for a More Accurate View of DS3 Failures

The proposed criteria for DS3 failures should not be adopted. MCI agrees with Sprint that a problem on a DS3 or other large capacity facility which potentially affected

¹² See Comments of GCI at 3; Comments of BellSouth at 7-8; Comments of SBC at 5.

¹³ See, e.g., Comments of Verizon at 10-12; Comments of AT&T at 12-13, 16; Comments of Sprint at 11.

¹⁴ See, e.g., Comments of Verizon at 14; Comments of GCI at 4; Comments of Sprint at 16-17; Comments of SBC at 9.

the transport of at least 1350 DS3 minutes would not necessarily mean that the entire facility was down.¹⁵ Indeed, as Verizon has observed, it is not uncommon for customers to intentionally disable their DS3s for reasons not associated with failure of service.¹⁶ Thus, the Commission should use blocked-call criteria for a more accurate view of DS3 failures.

V. SS7 Reporting Criteria Should Conform with Tandem Outage Criteria

Reporting requirements should remain with the certificated service provider in the case of SS7. MCI agrees with Sprint that the proposed reporting criteria for SS7 networks should be modified to conform to the threshold reporting criteria for tandem outages.¹⁷

VI. The Commission Should Use the NRIC VI Proposal for Outages Impacting Airports

As we noted in our initial comments, MCI recommends that the Commission adopt the language proposed by NRIC VI Focus Group 2 for outages affecting airports.

The Commission must recognize that the FAA telecommunications network is a high availability network composed of multiple redundant and diverse routes and equipment. The proposed rule should thus be revised to conform to the “greater than 50% of telecommunications services at a critical air traffic control facility...” language found in the NRIC VI Focus Group 2 Final Report which takes this diversity and redundancy into account.¹⁸

Moreover, MCI, as a carrier, is not in a good position to assess the impact to the FAA as a result of the loss of a circuit(s). It is the FAA that is in the best position to make such an assessment. Therefore, the Commission should again employ the NRIC VI

¹⁵ Comments of Sprint at 21.

¹⁶ Comments of Verizon at 19.

¹⁷ See Comments of Sprint at 21-22.

¹⁸ See Comments of MCI at 9.

language, which provides that the impact be "determined by the FAA Air Traffic Supervisor at the Air Traffic Systems Command Center (ATSCC)." ¹⁹

Further, the proposed definition and existing definition require reporting as a result of an "FAA inquiry to the provider's management personnel; or ... any media attention of which the communications provider's reporting personnel are aware." ²⁰ This requirement is onerous, overreaching and of questionable value. At a minimum, as ATIS recognizes, it could lead to inconsistent reporting: "Identical incidents may not result in identical outage reports as it could depend solely on the existence of media attention (or lack thereof) and on the provider's awareness (or lack thereof) regarding the media attention." ²¹ The Commission should instead adopt the more objective language from the NRIC VI Focus Group 2 Report.

Finally, major airports have several different radar systems often with multiple levels of redundancy. The loss of one radar system therefore may have no impact on air traffic and therefore would not need to be reported.

VII. The ATIS Three-Stage Outage Reporting Process Should be Adopted with Three Separate Electronic Filing Templates

The proposed change to require initial outage reporting within 120 minutes of an outage should not be adopted. As proposed in the NPRM, the process and timeline for filing outage information is overly burdensome. In particular, the proposed 120 minute timeline associated with the initial report would entail a tremendous waste of resources which would outweigh any benefit gained. More importantly, this proposed 120-minute reporting requirement will interfere needlessly with carriers' efforts to restore service.

¹⁹ *See id.*

²⁰ NPRM, at 35, new section 4.5(c).

²¹ Comments of ATIS at 26.

Instead, the Commission should institute a three-step process for filing outage reports as proposed by ATIS²² and which is supported by a number of parties.²³ Under this approach, a carrier would provide i) notification within two (2) hours of knowledge of a believed reportable outage; ii) a mandatory initial report within seventy-two (72) hours of the notification, either confirming that the outage was a reportable event or retracting the initial notification, if the incident was deemed not to constitute a reportable event; and iii) a final outage report within thirty (30) days of the event.

This three-stage proposal implicitly recognizes that little detail will be known within 120 minutes and that a carrier's resources are better spent resolving the actual problem rather than reporting extensively on it.

Should the Commission adopt the ATIS proposal, it would also make sense to implement three separate Electronic Filing Templates, each tailored for the specific data required in each stage.

VIII. Outage Reporting Requirements Relating to 911 Services Should Not Be Changed

In the interest of avoiding complexity, the NPRM proposes changing its reporting for outages potentially affecting 911 services. Specifically, the Commission proposes a revision requiring “reporting of all communications outages of at least 30 minutes duration that potentially affect the ability to originate, complete, or terminate 911 calls successfully....”²⁴ The Commission should avoid modifying this rule at this time. Rather, the Commission should retain the current rule and await the output of the NRIC VII focus groups that are looking into the issue. Sprint correctly points out that, “[b]y waiting until it

²² *Id.* at 30-33.

²³ *See* Comments of AT&T at 24-25; Comments of BellSouth at 19-22; Comments of Verizon at 8; Comments of SBC at 16-17.

²⁴ NPRM, ¶ 25.

receives the recommendations of the experts in the field before seeking to change the reporting metrics for 911 outages, the Commission would enable the industry to conserve resources since carriers would have to change their methods and procedures to incorporate changes in the reporting metrics only once as opposed to changing such procedures to accommodate the Commission's proposed changes and then perhaps changing them again to incorporate the recommended changes of the NRIC VII task force."²⁵ The Commission should consequently leave its 911 outage rule unchanged.

IX. Conclusion

For the foregoing reasons, MCI urges the Commission to refrain from expanding its outage reporting requirements and, to the extent it does expand the requirements, that it does so consistent with the above reply comments.

Respectfully submitted,
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²⁵ Comments of Sprint at 14.